

REMARKS

Claims 1-29 are currently pending. The Examiner has rejected Claims 1-29 under 35 U.S.C. 103 as being unpatentable over the teachings of Hoffert '892 in view of the Acharya article. For the reasons set forth below, Applicants believe that the claims are allowable over the prior art.

The present invention is directed to a system and method for transcoding a multimedia presentation for delivery and display wherein the content of the multimedia presentation is analyzed by separating a multimedia document into individual multimedia objects and analyzing each multimedia object individually and the transcoding is done based on that analysis. As expressly taught in the present application, the content of the multimedia presentation is separated into multimedia objects and the multimedia objects are analyzed (see: page 8, lines 18 et seq.). Thereafter, based on the analysis, the multimedia objects are transcoded, for example by converting between modalities, changing fidelity, or substituting objects (see: e.g., page 10, lines 7-14). Applicants have amended the language of the independent claims and respectfully assert that neither of the cited prior art references teaches or suggests analyzing the content of a multimedia presentation and then transcoding based on the content analysis.

The Hoffert '892 patent teaches a method and apparatus for searching for media content and for delivering a predetermined

Y0998-393

portion (i.e., a preview) of the media content for display after it has been retrieved (see: Col. 19, lines 56-63 of the '892 patent). The delivery of the portion of the media content comprises selecting a predetermined portion (i.e., the preview) and displaying that portion. The Hoffert '892 patent does not analyze the content of a multimedia presentation and perform transcoding based on the analysis, as is expressly recited in all of the pending claims. Hoffert merely selects the predetermined portion which has been pre-specified for or by the user to use as a preview.

The Examiner has cited the phrase in Hoffert found in Col. 3 at lines 5-6, which states "[i]t would be desirable if such a system were capable of...examining and analyzing the media file's content." Applicants respectfully assert, however, that Hoffert does not teach any examining and analyzing of content. While Hoffert expresses that it would be desirable to have a system that would be capable of such activity, there is nothing in the remainder of the Hoffert patent that teaches or suggests the examining and analyzing of media content. Applicants contend that a conclusion of obviousness with respect to a claim feature cannot be based on a statement of desirability of a feature, without any description thereof.

Applicants further contend that the Hoffert '892 patent does not teach or suggest an analyzing step whereby the analysis of content is done by separating a multimedia document into

Y0998-393

individual multimedia objects and analyzing each multimedia object individually. Hoffert does not look at the media content as multimedia objects and does not perform analysis thereof. Applicants have amended the language of the independent claims to recite that the analyzing comprises separating a multimedia document into individual multimedia objects and analyzing each multimedia object individually. The language, which previously had been recited in Claim 4, had been rejected by the Examiner citing Col. 3, lines 9-17. However, what Hoffert teaches in the cited passage is indexing an entire multimedia file. Hoffert is not teaching separating the multimedia file into objects. Moreover, Hoffert states that it provides "previews which allow a user to easily identify objects of interest 106". Hoffert is not saying that a multimedia file has been separated into objects. Rather, Hoffert is saying that a user picks a preview that is of interest to that user. Hoffert's system does not perform any object separation or analysis. It simply shows a thumbnail preview (i.e., a selected frame) of a multimedia file for user analysis.

The Examiner has additionally cited the Acharya article in rejecting the language of the independent claims, specifically the claim step of transcoding based on the analyzing. Applicants reiterate that Hoffert does not teach any analysis of multimedia content. Accordingly, it cannot be maintained that any transcoding can be performed based on analyzing. While Acharya
YO998-393

does teach transcoding, there is nothing in Acharya to suggest that transcoding is done based on any analysis, let alone based on analysis of the content of a multimedia presentation. Acharya simply transcodes between known formats based on the available format and the desired format. Transcoding under Acharya does not take file content into account at all.

Applicants respectfully argue that one would not be motivated by any teachings from either Hoffert '892 or Acharya to modify the Hoffert system to include transcoding. Hoffert displays previews to a user. There is nothing in the Hoffert patent which teaches or suggests the need to modify the previews in any way for delivery to the user. Moreover, even if one skilled in the art were motivated to modify Hoffert '892 with Acharya, one would not arrive at the invention as claimed. Since neither Hoffert '892 nor Acharya teaches or suggests analyzing the content of a multimedia presentation by separating a multimedia document into individual multimedia objects and analyzing each multimedia object individually, it cannot be maintained that the combination would result in such an analyzing step. Further, if one were to transcode the Hoffert preview, for example for delivery along a slow link, the transcoding would not be based on an analysis of the content of the preview.

It is well established under U.S. Patent Law that, for a *prima facie* case of obviousness, the prior art must teach or suggest all of the claim limitations (*In re Wilson*, 424 F. 2d YO998-393

1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970)). Since neither Hoffert nor Acharya teaches or suggests the analyzing of multimedia content by separating a multimedia document into individual multimedia objects; and analyzing each multimedia object individually, and since neither reference teaches transcoding based on content analysis, a *prima facie* case of obviousness has not been set established by the patent examiner. Accordingly, Applicants request that the obviousness rejections of the independent claims, Claims 1, 25 and 27, and of all of the claims which depend therefrom and add limitations thereto, be withdrawn.

With specific reference to the language of some of the dependent claims, Applicants believe that the Examiner has further erred in his interpretation of the teachings of the cited references. With respect to Claims 2, 26 and 28, the Examiner has stated that Acharya selects a transcoding alternative. Applicants respectfully disagree. Acharya teaches that a media file can be transcoded from H.261 format to MJPEG or from MPEG-1 to MJPEG. However, the two transcoding options are not alternatives. Acharya can only perform one of the two transcodings, depending upon which is the original format of the media file. One cannot alternatively apply MPEG-1 to MJPEG transcoding to an H.261 file. Clearly, Acharya is not teaching selecting among alternative transcoding options.

YO998-393

12

With respect to Claim 3, the Examiner concludes that Acharya teaches selecting less than all of the content for transcoding. However, the claim requires that the selecting is based on the content analysis. Since neither Hoffert nor Acharya teaches content analysis or transcoding based on the content analysis, it cannot be concluded that the combination teaches selecting content for transcoding based on content analysis.

With respect to Claims 4 and 5, Applicants have canceled Claim 4, since the limitations thereof have been inserted into the language of all of the independent claims. The dependencies of Claims 5 and 6 have been amended to depend from the amended Claim 1. As argued above, the cited Hoffert teachings from Col. 3, lines 9-17 regarding indexing entire multimedia files do not teach or suggest the limitations as recited in the claims.

With regard to Claims 6 and 7, the Examiner cites the step 421 shown in Fig. 4C. Applicants note that the step is never described in the text of the Hoffert patent, other than the broad statement in Col. 19, lines 56-63 that the portion having the predetermined characteristics be located. Such a broad statement clearly does not obviate the claim language wherein media content is analyzed by separating it into multimedia objects, wherein relationships are identified between multimedia objects, and wherein transcoding is done based on the relationships.

All of the dependent claims of the application necessarily recite the limitations of the independent claims, and add further

YO998-393 13

limitations thereto. Applicants reiterate that the language of the independent claims is not made obvious by the teachings of the Hoffert patent, alone or in combination with the Acharya article. Applicants conclude, therefore, that none of the pending claims are rendered unpatentable by the combined teachings of Hoffert and Acharya.

Based on the foregoing amendments and remarks, Applicants respectfully request entry of the amendments, withdrawal of the rejections, and issuance of the claims.

Respectfully submitted,
John R. Smith, et al

By: Anne Vachon Dougherty
Anne Vachon Dougherty
Attorney for Applicant
Reg. No. 30,374